

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Michael P. Furmanek on April 20, 2009.

The application has been amended as follows:

In the claims:

Claim 1:

On line 15, "clean air mode, such that said pressurized air supply from said tank opens said first valve and closes said second valve to actuate said valve assembly from the filtered mode to the clean air mode while continuously providing a supply of breathable air to the user; and a first switch" was changed to --clean air mode, a flow path defined between the tank and valve assembly, the regulator being disposed between the tank and the valve assembly along the flow path and reducing air pressure of the pressurized air to a resultant air pressure, such that the resultant air pressure opens said first valve and closes said second valve to actuate said valve assembly from the filtered mode to the clean air mode while continuously providing a supply of breathable air to the user; and a first switch--.

Claim 9:

On line 10, “filter system, the valve assembly operatively connected to said tank such that the pressurized air from said tank opens said first valve and closes said second valve to move the valve assembly from the filtered air mode to the clean air mode while continuously providing a supply of breathable air to the user; and a first switch” was changed to --filter system, a flow path defined between the tank and valve assembly, the regulator being disposed between the tank and the valve assembly along the flow path and reducing air pressure of the pressurized air to a resultant air pressure, such that the resultant air pressure opens said first valve and closes said second valve to actuate said valve assembly from the filtered mode to the clean air mode while continuously providing a supply of breathable air to the user; and a first switch--.

2. The following is an examiner’s statement of reasons for allowance: The prior art made of record does not teach the specific breathing apparatus having the specific structure and relationship as claimed in claims 1, 9, and 29 including a valve assembly having a first and second valve, a first switch to selectively enable the switching between the clean air mode and the filtered air mode, and a flow path defined between the tank and valve assembly, the regulator being disposed between the tank and the valve assembly along the flow path and reducing air pressure of the pressurized air to a resultant air pressure, such that the resultant air pressure opens said first valve and

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closes said second valve to actuate said valve assembly from the filtered mode to the clean air mode while continuously providing a supply of breathable air to the user.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Annette F. Dixon whose telephone number is (571) 272-3392. The examiner can normally be reached on Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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